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34 **UNITED STATES DISTRICT COURT**  
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36 **NORTHERN DISTRICT OF CALIFORNIA**  
37  
38 **SAN JOSE DIVISION**

39 JOHN STOSSEL, an individual,

40 Plaintiff,

41 v.

42 FACEBOOK, INC., a Delaware corporation;  
43 SCIENCE FEEDBACK, a French non-profit  
44 organization; and CLIMATE FEEDBACK, a French  
45 non-profit organization,

46 Defendants.

47 Case No. 5:21-cv-07385-VKD

48 **STIPULATION AND REQUEST FOR  
49 ORDER REGARDING STAY OF  
50 DISCOVERY AND CONTINUATION  
51 OF INITIAL CASE MANAGEMENT  
52 CONFERENCE**

53 Hon. Virginia K. DeMarchi

1       WHEREAS Plaintiff John Stossel filed the Complaint on September 22, 2021 (Dkt. No. 1);  
2 WHEREAS, by Order dated September 23, 2021, the Court set the Initial Case Management  
3 Conference for December 28, 2021 (Dkt. No. 3);

4       WHEREAS Plaintiff and Defendant Facebook, Inc. (Meta Platforms, Inc. or “Meta”)<sup>1</sup>  
5 stipulated and agreed to extend the time for Meta to answer, move, or otherwise respond to the  
6 Complaint to November 30, 2021 (Dkt. No. 18);

7       WHEREAS Plaintiff and Meta stipulated and agreed to, and the Court ordered, an extension  
8 of time for Plaintiff’s Opposition to any Rule 12 motion or other response to January 11, 2022, and  
9 for Meta’s Reply to any such motion or response to February 8, 2022 (Dkt. No. 19);

10      WHEREAS Plaintiff and Meta agree that the Court’s ruling on Meta’s motion to dismiss the  
11 Complaint will provide guidance to the parties as to the scope of the issues in the case and the  
12 appropriate contours for discovery;

13      WHEREAS Plaintiff and Meta agree that good cause exists to stay all discovery, including  
14 disclosures pursuant to Federal Rule of Civil Procedure 26, until the Court has issued an Order  
15 deciding Meta’s forthcoming Motion to Dismiss; however, the Parties agree that should Meta file a  
16 special motion to strike pursuant to California’s anti-SLAPP law, and should that motion raise  
17 factual issues, Plaintiff reserves the right to seek discovery on any such factual issues;

18      WHEREAS Plaintiff and Meta agree that a one-week continuation of the December 28, 2021  
19 Case Management Conference is appropriate to accommodate travel plans associated with the winter  
20 holidays;

21      WHEREAS continuing the Case Management Conference by one week will not affect any  
22 other date already set by Court order;

23      Pursuant to Civil Local Rule 7-12, Meta and Plaintiff, by and through their respective  
24 counsel, hereby stipulate and agree to the following, and request that the Court order:

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27      

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<sup>1</sup> On October 28, 2021, Facebook announced that it has changed its company name to Meta  
28 Platforms, Inc.

1. A stay of all discovery, including initial disclosures pursuant to Fed. R. Civ. P. 26, until the Court has issued an Order deciding Meta's forthcoming Motion to Dismiss, except that Plaintiff reserves the right to seek discovery on any factual issues raised by any special motion to strike filed by Meta pursuant to California's anti-SLAPP law;

2. If the Court denies Meta’s forthcoming Motion to Dismiss in whole or in part, initial disclosures pursuant to Fed. R. Civ. P. 26 shall be due 14 days after the Court’s ruling.

Pursuant to Civil Local Rule 6-2(a), Meta and Plaintiff hereby stipulate and agree, and request that the Court order:

3. The initial Case Management Conference currently scheduled for December 28, 2021 shall be continued to January 4, 2022.

Dated: November 24, 2021

WILMER CUTLER PICKERING, HALE AND  
DORR LLP

By: /s/ Molly M. Jennings  
MOLLY M. JENNINGS

*Attorney for Defendant  
Facebook, Inc.*

Dated: November 24, 2021

By: /s/ Krista L. Baughman  
KRISTA L. BAUGHMAN

*Attorney for Plaintiff*  
John Stossel

**CERTIFICATE OF SERVICE**

I hereby certify that on November 24, 2021, I electronically filed the above document with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to all registered counsel.

Dated: November 24, 2021

By: /s/ Molly M. Jennings  
Molly M. Jennings

## **ATTORNEY ATTESTATION**

I, Molly M. Jennings, am the ECF User whose ID and password are being used to file this Stipulation and accompanying proposed order. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document and all attachments has been obtained from each signatory.

Dated: November 24, 2021

By: /s/ Molly M. Jennings  
Molly M. Jennings